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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,977	03/26/2004	Edward Lopatinsky		7910

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ROTYS INC.
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
EXAMINER

PAPE, ZACHARY

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/809,977	Applicant(s) LOPATINSKY ET AL. 	
	Examiner Zachary M. Pape	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. **Therefore, the electronic component of claim 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Additionally, the drawings are objected to under 37 CFR 1.83(a) because they fail to show inlet (8) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14" has been used to designate both outflow openings and heat exchanging means (See specification Paragraph 21).

Additionally reference character “21” has been used to designate both the stator (As illustrated in Fig 2 – also see Fig 4) and what appears to be a heatsink (As illustrated in Fig 1). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

These are just an example of some of the errors regarding the drawings. The applicant’s are advised to review the specification and the drawings to rectify any further errors.

Specification

3. The disclosure is objected to because of the following informalities:

The specification fails to describe how the device operates in the detailed description of preferred embodiments. The examiner notes that the applicant’s make a cursory effort to define how the present invention operates, however such a description is not sufficient to give one of ordinary skill in the art an idea of how the invention operates. To that end, the examiner asserts that as part of the detailed description the

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applicants should relate the structure as defined to the operation of the present invention (I.E. Airflow travels into the cooler (1) at the inflow openings (13) carrying heated air through the heat sink (3)...)

Additionally the examiner notes that the applicant has amended the priority to a provisional patent application to read 60/458,200. The examiner respectfully requests that the applicant amended the specification to recite the appropriate provisional application number.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites, "so cooling air flows through said inflow openings, said heat exchanging means, said outflow openings and said inlets of said blower in a series way" which does not enable one of ordinary skill in the art to "use the same". The examiner cites Fig 4 where applicant defines 13 as "Inflow openings", 14 as "outflow openings" and 7 as "inlet" which when taken in the recited limitation of claim 1 above, is confusing.

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The examiner questions how the air can flow through the inflow openings (13), and then through the outflow openings directly (14) directly adjacent the inflow openings as illustrated in Fig 4 after passing through the fan.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (6,394,175).

With respect to claim 1, as best can be understood by the examiner, Chen et al. teaches a cooler (100) for cooling of electronic components comprising at least two heat sinks (150, 170) thermally connected with each other by heat spreading means (130), and at least one double inlet centrifugal blower (160) comprising a casing with two inlets and an outlet, an impeller with an axle and an electric drive (all inherent within a fan), said cooler is thermally connected with said electronic component, wherein each of said heat sinks comprises inflow and outflow openings (Between fins 155, and 170), and thermally connected heat exchanging means (155, 170) and a base (115, bottom of fins 170); said double inlet centrifugal blower is located between said heat sinks (As

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illustrated in Fig 1) thus each of said outflow openings is coincided with said closest inlet, so cooling air flows through said inflow openings, said heat exchanging means, said outflow openings and said inlets of said blower in a series way.

With respect to claim 2, as best can be understood by the examiner, Chen et al. further teaches that the base (115) of at least one of said heat sinks is thermally connected with said electronic component (Column 4, Lines 51-55).

With respect to claim 3, as best can be understood by the examiner, Chen et al. further teaches that the heat spreading means are made of at least one heat pipe comprising evaporator and condenser parts (Column 4, Lines 51-65) that thermally connected with said bases of two different heat sinks (As illustrated in Fig 1).

With respect to claim 4, as best can be understood by the examiner, Chen et al. further teaches that the heat spreading means are made as a high heat conductive plate located from one side of and perpendicularly to said bases (As illustrated in Fig 1).

With respect to claim 5, as best can be understood by the examiner, Chen et al. further teaches that the high heat conductive plate is thermally connected with said electronic component (Column 4, Lines 51-65).

With respect to claim 7, as best can be understood by the examiner, Chen et al. further teaches that the heat exchanging means are upstanding pins and/or fins contacting said base (As illustrated in Fig 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US 6,394,175) in view of Bhatti et al. (US 6,422,307).

With respect to claim 6, as best can be understood by the examiner, Chen et al. teaches the limitations of claim 6 above, but is silent as to the method of producing the heat sink. Bhatti et al. teaches the conventionality of producing a heat sink with a plate as a single whole using a casting, pressing, extruding, forging or by machining operations (Column 2, Lines 8-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bhatti et al. with that of Chen et al. to produce heat sinks which facilitate good heat dissipation (Column 2, Lines 5-8).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,959,837; US 6,625,021; US 6,657,734; US 6,745,824; US 6,779,595; US 6,909,608; US 6,920,045; US 6,940,717 all further teach heat dissipating devices.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZMP


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